

RECEIVED  
CENTRAL FAX CENTER

## FAX TRANSMISSION

FEB 04 2005

DATE: February 4, 2005

09/982,676

PTO IDENTIFIER: Application Number 09/982676-Conf. #5947  
Patent Number

Inventor: Donald F. WEAVER, et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: LAHIVE &amp; COCKFIELD, LLP

Jacob G. Weintraub, M.S.

PHONE: (617) 227-7400

Attorney Dkt. #: NCI-006DV2

PAGES (Including Cover Sheet): 15

CONTENTS: Response to Final Office Action (10 pages)  
Fee Transmittal (1 page in duplicate)  
Amendment Transmittal (1 page)  
Certificate of Transmission (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (617) 227-7400 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

LAHIVE &amp; COCKFIELD, LLP

28 State Street, Boston, Massachusetts 02109

Telephone: (617) 227-7400 Facsimile: (617) 742-4214

PTO/SB/97 (09-04)

Approved for use through 07/31/2006 OMB 0851-0031

U. S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it carries a valid OMB control number.

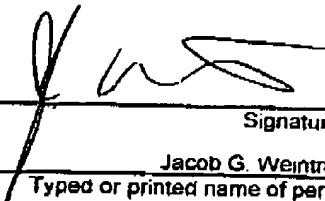
Application No. (if known). 09/932676

Attorney Docket No.: NCI-006DV2

## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

on February 4, 2005  
Date



Signature

Jacob G. Weintraub, M.S.

Typed or printed name of person signing Certificate

56,469

Registration Number, if applicable

(617) 227-7400

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Response to Final Office Action (10 pages)  
Fee Transmittal (1 page in duplicate)  
Amendment Transmittal (1 page)  
This Certificate of Transmission (1 page)

PTO/SB/17 (12-04v2)  
Approved for use through 7/31/2006 OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

|                                |  |      |  |        |  |
|--------------------------------|--|------|--|--------|--|
| <b>TOTAL AMOUNT OF PAYMENT</b> |  | (\$) |  | 300.00 |  |
|--------------------------------|--|------|--|--------|--|

**Complete if Known**

|                      |                       |
|----------------------|-----------------------|
| Application Number   | 09/032676-Conf. #5947 |
| Filing Date          | August 16, 2001       |
| First Named Inventor | Donald F. WEAVER      |
| Examiner Name        | D. R. Rao             |
| Art Unit             | 1824                  |
| Attorney Docket No   | NCI-006DV2            |

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number 12-0080 Deposit Account Name Lahive & Cockfield, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

**2. EXCESS CLAIM FEES**

| Fee Description                                    | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues)            | 50       | 25                    |
| Each independent claim over 3 (including Reissues) | 200      | 100                   |
| Multiple dependent claims                          | 360      | 180                   |

| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|----------|---------------|
| 29           | - 23 = 6     | 50.00    | 300.00        |

**Multiple Dependent Claims**

| Fee (\$) | Fee Paid (\$) |
|----------|---------------|
|          |               |

| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
|---------------|--------------|----------|---------------|
| 1             | - 3 =        |          |               |

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| - 100 =      | /50          | (round up to a whole number) x                   |          |               |

**4. OTHER FEE(S)**

Non-English Specification. \$130 fee (no small entity discount)

Other (e.g., late filing surcharge).

**SUBMITTED BY**

|                   |                                   |        |           |                  |
|-------------------|-----------------------------------|--------|-----------|------------------|
| Signature         | Registration No. (Attorney/Agent) | 56,469 | Telephone | (617) 227-7400   |
| Name (Print/Type) | Jacob G Weintraub, M.S.           |        | Date      | February 4, 2005 |

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-8300 at MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated February 4, 2005 Signature Jacob G. Weintraub, M.S.

COPY

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number

Approved for use through 7/31/2008. OMB 0851-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (P.L.R. 4818)

**FEE TRANSMITTAL**  
**For FY 2005**

☐ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$) 300.00

**METHOD OF PAYMENT** (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) \_\_\_\_\_

☒ Deposit Account Deposit Account Number 12-0080 Deposit Account Name Lahive & Cockfield, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

**2. EXCESS CLAIM FEES**

| Fee Description                                    | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues)            | 50       | 25                    |
| Each independent claim over 3 (including Reissues) | 200      | 100                   |
| Multiple dependent claims                          | 360      | 180                   |

**Total Claims** 29 - 23 = 6 **Extra Claims** 6 **Fee (\$)** 50.00 **Fee Paid (\$)** 300.00

**Indep. Claims** 1 - 3 = 0 **Extra Claims** 0 **Fee (\$)** 0 **Fee Paid (\$)** 0

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s)

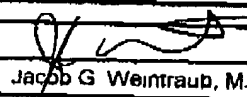
**Total Sheets** 100 - 100 = 0 **Extra Sheets** 0 **Number of each additional 50 or fraction thereof** 0 **Fee (\$)** 0 **Fee Paid (\$)** 0

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): \_\_\_\_\_

**Submitted By**

Signature:  Registration No. (Attorney/Agent) 58,469 Telephone (617) 227-7400

Name (Print/Type) Jacob G. Weintraub, M.S. Date February 4, 2005

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-8300 at MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated February 4, 2005

Signature: 

(Jacob G. Weintraub, M.S.)

| AMENDMENT TRANSMITTAL LETTER  |   |   |                                   | Docket No.<br>NCI-006DV2       |        |
|---|---|---|-----------------------------------|--------------------------------|--------|
| Application No.<br>09/932676-Conf. #5947  |   | Filing Date<br>August 16, 2001            |                                   | Examiner<br>D. R. Rao          |        |
|   |   |   |                                   | Art Unit<br>1624               |        |
| Applicants: Donald F. WEAVER <i>et al.</i>  |   |   |                                   |                                |        |
| Invention: ANTI-EPILEPTOGENIC AGENTS  |   |   |                                   |                                |        |
| RECEIVED<br>CENTRAL FAX CENTER<br>FEB 04 2005   |   |   |                                   |                                |        |
| <b>TO THE COMMISSIONER FOR PATENTS</b>  |   |   |                                   |                                |        |
| Transmitted herewith is an amendment in the above-identified application.<br>The fee has been calculated and is transmitted as shown below.   |   |   |                                   |                                |        |
| <b>CLAIMS AS AMENDED</b>  |   |   |                                   |                                |        |
|   | Claims<br>Remaining<br>After<br>Amendment | Highest<br>Number<br>Previously<br>Paid   | Number<br>Extra Claims<br>Present | Rate                           |        |
| Total Claims  | 29  | - 23 =                                    | 6                                 | x 50                           | 300.00 |
| Independent<br>Claims   | 1   | - 3 =                                     |                                   | x                              |        |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/>  |   |   |                                   |                                |        |
| Other fee (please specify):   |   |   |                                   |                                |        |
| <b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>   |   |   |                                   |                                | 300.00 |
| <input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity  |   |   |                                   |                                |        |
| <input checked="" type="checkbox"/> No additional fee is required for this amendment.   |   |   |                                   |                                |        |
| <input checked="" type="checkbox"/> Please charge Deposit Account No <u>12-0080</u> in the amount of \$ <u>300.00</u> .<br>A duplicate copy of this sheet is enclosed.  |   |   |                                   |                                |        |
| <input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.   |   |   |                                   |                                |        |
| <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.   |   |   |                                   |                                |        |
| <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No <u>12-0080</u><br>as described below. A duplicate copy of this sheet is enclosed.   |   |   |                                   |                                |        |
| <input checked="" type="checkbox"/> Credit any overpayment.   |   |   |                                   |                                |        |
| <input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.  |   |   |                                   |                                |        |
| Jacob G. Weintraub, M.S.<br>Registration No.: 56,469<br>LAHIVE & COCKFIELD, LLP<br>28 State Street<br>Boston, Massachusetts 02109<br>(617) 227-7400<br>Attorney or Agent Under 37 CFR §1.34   |   |   |                                   | Dated: <u>February 4, 2005</u> |        |
| I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no (571) 273-8300 at MS AF, Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450, on the date shown below |   |   |                                   |                                |        |
| Dated February 4, 2005  |   | Signature <u>Jacob G. Weintraub, M.S.</u> |                                   |                                |        |